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HOUSE BILL 26

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Justine Fox-Young

AN ACT

**RELATING TO ELECTIONS; PROVIDING FOR ADDITIONAL TESTING OF
VOTING SYSTEMS AT THE REQUEST OF A COUNTY OR STATE PARTY
CHAIRPERSON.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. A new section of the Election Code is enacted
to read:**

"[NEW MATERIAL] VOTING SYSTEMS--ADDITIONAL TESTING. --

**A. A county or state political party chairperson
may request, and the county clerk shall allow, that an
independent technician be allowed to test the voting systems to
be used in an election prior to their certification. The
requested testing may be done up to three days before the
county clerk tests and certifies the voting system for use in
the election.**

underscored material = new
[bracketed material] = delete

1 B. A county or state political party chairperson
2 may request, and the county clerk shall allow, that an
3 independent technician be allowed to test a voting system that
4 was used in an election if there is an undercount of two
5 percent or more on that voting system. Testing shall be done
6 in accordance with secretary of state rules that ensure the
7 safety and security of the voted ballots on that voting system.

8 C. As used in this section:

9 (1) "undervote" means the percentage of voters
10 in an election that voted in that election but that did not
11 cast a vote for:

12 (a) any candidate for governor on the
13 ballot; or

14 (b) any candidate for any one federal
15 office on the ballot; and

16 (2) "voting system" means any type of
17 mechanical or electronic vote recording or tabulating system "

18 Section 2. Section 1-11-6 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 216, as amended) is amended to read:

20 "1-11-6. VOTING MACHINES--MANNER OF PREPARING. --Thirty
21 days prior to an election the county clerk shall:

22 A. certify to the secretary of state and all state
23 and county party [~~chairmen~~] chairpersons the type and serial
24 number of each voting machine intended to be used in each
25 precinct, by precinct number; and

. 153356. 2

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[bracketed material] = delete

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B. prepare, in the presence of those persons entitled to be present, the lever voting machines and electronic voting machines for the election as follows:

- (1) all public, candidate and question counters shall be set at zero;
- (2) assisted by watchers, each ~~[such]~~ counter shall be tested for accuracy by casting votes upon it until it correctly registers each vote cast;
- (3) each ~~[such]~~ counter shall be reset at zero and the voting machine shall be immediately sealed with a numbered metal seal so as to prevent operation of the machine or its registering counters without breaking the seal; and
- (4) on the certificate for that voting machine there shall be recorded:
 - (a) the number on the seal; and
 - (b) the reading shown on the protective counter. "